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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EON-NET, L.P.,

Plaintiff,

v.

FLAGSTAR BANCORP, INC.,

Defendant.

**CASE NO. C05-2129RSM**

**SECOND AMENDED COMPLAINT**

Plaintiff, Eon-Net, L.P., a limited partnership (hereinafter referred to as "Eon-Net"), demands a jury trial and complains against the defendant as follows:

**THE PARTIES**

1. Eon-Net is a limited partnership organized and existing under the laws of the British Virgin Islands, with its principal place of business at P.O. Box 116, Road Town, Tortola, British Virgin Islands.

2. Upon information and belief, Flagstar Bancorp (hereinafter referred to as "Defendant" or "Flagstar") is a business organized and existing under the laws of the State of Michigan, having a place of business at 5151 Corporate Drive, Troy, MI 48098. Flagstar offers its

1 customers a variety of on-line banking services through its website [www.flagstar.com](http://www.flagstar.com) (“the Flagstar  
2 Website”). Flagstar currently operates banking centers in Michigan, Indiana and Georgia, and home  
3 lending centers across the country. Flagstar is one of the largest originators of residential mortgage  
4 loans in the United States.

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6 **JURISDICTION AND VENUE**

7 3. This action arises under the patent laws of the United States of America, Title 35 of  
8 the United States Code. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and  
9 1338(a).

10 4. Upon information and belief, Defendant is doing business and committing  
11 infringements in this judicial district and is subject to personal jurisdiction in this judicial district.

12 5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

13 **CLAIM FOR PATENT INFRINGEMENT**

14 6. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations  
15 contained in paragraphs 1 through 5 above.

16 7. On January 27, 2004, U.S. Patent No. 6,683,697 (hereinafter referred to as “the ‘697  
17 patent”) was duly and legally issued to Millennium, L.P. (“Millennium”) for an invention entitled  
18 “Information Processing Methodology.” On October 14, 2004, Millennium assigned the ‘697 patent  
19 to Eon-Net. A Certificate of Correction to the ‘697 patent issued on July 26, 2005. A copy of the  
20 ‘697 patent and the Certificate of Correction are attached to this Complaint as Exhibit 1.

22 8. Eon-Net is the owner of all right, title and interest in and to the ‘697 patent.

23 9. On July 11, 2006, U.S. Patent No. 7,075,673 (hereinafter referred to as “the ‘673  
24 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information Processing  
25 Methodology.” A copy of the ‘673 patent is attached to this Complaint as Exhibit 2.

26 10. Eon-Net is the owner of all right, title and interest in and to the ‘673 patent.  
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1           11.     On February 27, 2007, U.S. Patent No. 7,184,162 (hereinafter referred to as “the  
2 ‘162 patent”) was duly and legally issued to Eon-Net for an invention entitled “Information  
3 Processing Methodology.” A copy of the ‘162 patent is attached to this Complaint as Exhibit 3.

4           12.     Eon-Net is the owner of all right, title and interest in and to the ‘162 patent.

5                                 **COUNT ONE**

6           13.     Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations  
7 contained in paragraphs 1 through 12 above.

8           14.     Flagstar has for a long time past and still is infringing, actively inducing the  
9 infringement of and/or contributorily infringing in this judicial district, the ‘697 patent by, among  
10 other things, operating the Flagstar Website pursuant to a claim of the ‘697 patent, without  
11 permission from Eon-Net, in which information entered by a Flagstar customer into a web page  
12 displayed on the browser of the customer’s computer is extracted according to content instructions  
13 and transmitted to an application program operating on Defendant’s web server according to  
14 customizable transmission format instructions in a manner defined by the claims of the ‘697 patent.  
15 For example, a Flagstar customer seeking a quote for a home equity loan can enter information  
16 including their first name, last name and address into HTML form elements displayed on the web  
17 page found at  
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19 <https://www.flagstar.com/lending/heloc/secure/fastQuote.jsp> of the Flagstar Website. The foregoing  
20 information entered into the HTML document is extracted by the browser and transmitted to an  
21 application program running on the Flagstar web server for processing the customer’s order in a  
22 POST format and using an https protocol required by the application program. A copy of the  
23 aforementioned web page is attached hereto as Exhibit 4, and a copy of the source code viewable on  
24 a customer’s browser for such web page is attached hereto as Exhibit 5. A claim chart detailing the  
25 infringement of a representative claim of the ‘697 patent is attached hereto as Exhibit 6.  
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**COUNT THREE**

19. Plaintiff, Eon-Net, repeats and incorporates herein the entirety of the allegations contained in paragraphs 1 through 18 above.

20. Flagstar has for a long time past and still is infringing, actively inducing the infringement of and/or contributorily infringing in this judicial district, the '162 patent by, among other things, operating the Flagstar Website pursuant to a claim of the '162 patent, without permission from Eon-Net, in which information entered by a customer of Defendant into an electronic document template displayed on the browser of the customer's computer is extracted according to content instructions and transmitted to an application program operating on Defendant's web server according to customizable transmission format instructions in a manner defined by the claims of the '162 patent. For example, a Flagstar customer seeking a quote for a home equity loan can enter information including their first name, last name and address into HTML form elements displayed on the web page found at <https://www.flagstar.com/lending/heloc/secure/fastQuote.jsp> of the Flagstar Website. The foregoing information entered into the HTML document is extracted by the browser and transmitted to an application program running on the Flagstar web server for processing the customer's order in a POST format and using an https protocol required by the application program. A copy of the aforementioned web page is attached hereto as Exhibit 4, and a copy of the source code viewable on a customer's browser for such web page is attached hereto as Exhibit 5. A claim chart detailing the infringement of a representative claim of the '162 patent is attached hereto as Exhibit 8.

21. Plaintiff, Eon-Net, has been damaged by such infringing activities by the Defendant of the '162 patent and will be irreparably harmed unless such infringing activities are enjoined by this Court.

**PRAYER FOR RELIEF**

WHEREFORE, THE Plaintiff, Eon-Net prays for judgment against the Defendant Flagstar on all the counts and for the following relief:

- A. Declaration that the Plaintiff is the owner of the '697 patent, and that the Plaintiff has the right to sue and to recover for infringement thereof;
- B. Declaration that the '697 patent is valid and enforceable;
- C. Declaration that the Defendant has infringed, actively induced infringement of, and/or contributorily infringed the '697 patent;
- D. A preliminary and permanent injunction against the Defendant, each of its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of Eon-Net's '697 patent;
- E. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's '697 patent by the Defendant and the award of damages so ascertained to the Plaintiff, Eon-Net, together with interest as provided by law;
- F. Declaration that the Plaintiff is the owner of the '673 patent, and that the Plaintiff has the right to sue and to recover for infringement thereof;
- G. Declaration that the '673 patent is valid and enforceable;
- H. Declaration that the Defendant has infringed, actively induced infringement of, and/or contributorily infringed the '673 patent;
- I. A preliminary and permanent injunction against the Defendant, each of its officers, agents, servants, employees, and attorneys, all parent and subsidiary corporations, their assigns and successors in interest, and those persons acting in active concert or participation with them, enjoining them from continuing acts of infringement, active inducement of infringement, and contributory infringement of Eon-Net's '673 patent;

- 1 J. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's  
2 '673 patent by the Defendant and the award of damages so ascertained to the  
3 Plaintiff, Eon-Net, together with interest as provided by law;
- 4 K. Declaration that the Plaintiff is the owner of the '162 patent, and that the Plaintiff has  
5 the right to sue and to recover for infringement thereof;
- 6 L. Declaration that the '162 patent is valid and enforceable;
- 7 M. Declaration that the Defendant has infringed, actively induced infringement of,  
8 and/or contributorily infringed the '162 patent;
- 9 N. A preliminary and permanent injunction against the Defendant, each of its officers,  
10 agents, servants, employees, and attorneys, all parent and subsidiary corporations,  
11 their assigns and successors in interest, and those persons acting in active concert or  
12 participation with them, enjoining them from continuing acts of infringement, active  
13 inducement of infringement, and contributory infringement of Eon-Net's '162  
14 patent;
- 15 O. An accounting for damages under 35 U.S.C. §284 for infringement of Eon-Net's  
16 '162 patent by the Defendant and the award of damages so ascertained to the  
17 Plaintiff, Eon-Net, together with interest as provided by law;
- 18 P. Award of Eon-Net's costs and expenses; and
- 19 Q. Such other and further relief as this Court may deem proper, just and equitable.  
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**DEMAND FOR JURY TRIAL**

The Plaintiff, Eon-Net, demands a trial by jury of all issues properly triable by jury in this action.

By: /s/Jean-Marc Zimmerman

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Date: December 13, 2007  
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